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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/594,834   | 04/27/2007  | Abdallah Lyoussi     | MM6026PCT           | 3718             |
| 1109 7590 05/27/2009<br>ANDERSON, KILL & OLICK, P.C.<br>1251 AVENUE OF THE AMERICAS<br>NEW YORK, NY 10020-1182 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| GAWORECKI, MARK R  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2884   |             |                      |                     |                  |
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| 05/27/2009   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/594,834

**Applicant(s)**

LYOUSSI ET AL.

**Examiner**

MARK R. GAWORECKI

**Art Unit**

2884

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2009 and 05 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on 3 March 2009 has been accepted and entered.

***Response to Arguments***

2. Applicant's arguments filed 15 January 2009 have been fully considered but they are not persuasive. The amendment to claim 15 renders the claim indefinite, as well as the claims that depend therefrom.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 15 recites the limitation "the gamma spectrometry apparatus". There is insufficient antecedent basis for this limitation in the claim.
6. Claim 15 recites the limitation "the source-detector". There is insufficient antecedent basis for this limitation in the claim.
7. Claim 16 recites the limitation "the turntable". There is insufficient antecedent basis for this limitation in the claim.
8. Claim 16 recites the limitation "each standard dimension object". There is insufficient antecedent basis for this limitation in the claim.

9. Claim 17 recites the limitation "the base". There is insufficient antecedent basis for this limitation in the claim.
10. Claim 17 recites the limitation "the turntable". There is insufficient antecedent basis for this limitation in the claim.
11. Claim 18 recites the limitation "the turntable". There is insufficient antecedent basis for this limitation in the claim.
12. Claim 18 recites the limitation "the standard dimension object". There is insufficient antecedent basis for this limitation in the claim.
13. Claim 21 recites the limitation "the turntable". There is insufficient antecedent basis for this limitation in the claim.
14. Claim 21 recites the limitation "each standard dimension object". There is insufficient antecedent basis for this limitation in the claim.
15. Claim 22 recites the limitation "the object". There is insufficient antecedent basis for this limitation in the claim.
16. Claim 23 recites the limitation "the object". There is insufficient antecedent basis for this limitation in the claim.
17. Claim 26 recites the limitation "the turntable". There is insufficient antecedent basis for this limitation in the claim.
18. Claim 27 recites the limitation "the turntable". There is insufficient antecedent basis for this limitation in the claim.
19. Claims 19, 20, 24, 25, and 28-31 are rejected for reasons of dependency.

***Allowable Subject Matter***

20. Claims 1-14 are allowed.
21. Claims 15-31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action, to incorporate the limitations of the claims they previously depended upon, including claim 1.
22. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is allowable for reasons of record as set forth by the examiner in the communication mailed on 14 October 2008.

Claims 2-14 are allowable for reasons of dependency.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK R. GAWORECKI whose telephone number is (571)272-8540. The examiner can normally be reached on Tuesday through Friday, 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David P. Porta/  
Supervisory Patent Examiner, Art Unit  
2884

/M. R. G./  
Examiner, Art Unit 2884  
18 May 2009